




# The Legal Framework and Verdicts of the Supreme Court in Protection of the Greater One-horned Rhinoceros: The Case of Nepal

Rashesh Vaidya  and Shatkon Shrestha

## ABSTRACT

The greater one-horned rhinoceros (*Rhinoceros unicornis*) is the largest rhinoceros species found in Nepal and India. The habitat of the greater one-horned rhinoceros encompasses the southern border between the two nations, hence these animals regularly cross this international boundary. Having a national park situated at the periphery of an international border facilitates the ability of poachers to easily escape from the crime scene. The article examines the legal framework enacted by Nepal to address the poaching of the greater one-horned rhinoceros, one of the world's most popular endangered mammals. This article also analyzes the case law related to the poaching of the one-horned rhinoceros from the Supreme Court of Nepal. The strict enforcement of the legal provisions adopted by Nepal through the enactment of the National Parks and Wildlife Conservation Act 1973, combined with the punitive approach of the Supreme Court of Nepal, has also helped to discourage the poaching of this species in Nepal. The Supreme Court of Nepal has jointly punished the principal offender for poaching offences with their accomplices, which has helped to discourage poaching of the one-horned rhinoceros. Nevertheless, a quasi-judicial body, the Office of the National Park, which handles the case firsthand, implements and exercises legal provisions related to poaching at the initial stage and also gives an initial verdict. In most poaching cases involving the one-horned rhinoceros, the principal offenders and accomplices are predominantly drawn from a specific community residing around the Chitwan National Park.

## 1. Background

The greater one-horned rhinoceros (*Rhinoceros unicornis*) is identified by a single black horn about 8–25 inches long and a grey-brown hide with skin folds, which gives it an armor-plated appearance. The species is solitary, except when adult males or individuals nearing adulthood gather at wallows or to graze. Males have loosely defined home ranges that are not well defended and often overlap. They primarily graze, with a diet

consisting almost entirely of grasses, leaves, branches of shrubs and trees, fruit, and aquatic plants.

Rhinoceros inhabit the alluvial flood-plain vegetation of sub-tropical climates where water and green grass are available all year. Many individuals now live within areas of suitable habitat in Chitwan National Park. Rhinoceros occur in the highest densities along with the flood plain grasslands and riverine forests bordering the Rapti, Narayani, Reu, and Dhungre rivers, suggesting that floodplain grasslands dominated by 4–6 m tall knas grass (*Saccharum spontanium*) are the single most critical habitat for this species.<sup>1</sup>

Rhinoceros share their core habitats with other valuable plants and animals. The countries in which the rhinoceros are found also adopt this species as a symbol of national pride. This also inspires environmental stewardship among local communities, who further benefit from the revenue generated through rhinoceros ecotourism.<sup>2</sup>

Poaching and the illegal trade in endangered species and the products made from them are considered one of the most pressing problems in biodiversity conservation, hence poaching is the biggest challenge facing a number of individual jurisdictions.<sup>3</sup> The rhinoceros population in Nepal dropped to less than 100 individuals during the late 1960s, due to the migration of human settlements around Chitwan. Recognizing the need to halt the decline of the rapidly diminishing rhinoceros population, the Government of Nepal established the *Gaında Gasti*, an armed Rhino Patrol Unit, in 1961. In 1973, the Government declared the remaining prime rhinoceros habitats, encompassing approximately 544 km<sup>2</sup>, along the Rapti, Narayani, and Reu rivers, as the Chitwan National Park. The park was later extended to a total area of 932 km<sup>2</sup> and was also listed as a World Heritage Site in 1984 for its high biological diversity. Nevertheless, the poaching of one-horned rhinoceros continues due to the high demand for its horn, often used in a traditional Chinese medicine, for ornamental carvings, or simply as a status symbol.

Thapa et al.<sup>4</sup> discovered that until the 1980s, Nepal had the only surviving wild population of the greater one-horned rhinoceros. The study noted that translocation could also help to reduce the threat of poaching,

---

<sup>1</sup>E. DINERSTEIN AND L. PRICE, *Demography and Habitat Use by Greater One-horned Rhinoceros in Nepal*, 55 JOURNAL OF WILDLIFE MANAGEMENT 401 (1991).

<sup>2</sup>Greater One-Horned Rhino. Facts: <https://www.worldwildlife.org/species/greater-one-horned-rhino>.

<sup>3</sup>R. SHARMA ARYAL, *Wildlife Trade in Nepal*, 7 ENVIRONMENT 1 (2002).

<sup>4</sup>K. A. THAPA ET AL., *Observations on Habitat Preference of Translocated Rhinos in Bardia National Park and Suklaphanta Wildlife Reserve, Nepal*, 45 PACHYDERM 108 (2009).

as well as mitigating against the prospect of further mortality through environmental pressures. Subedi and Subedi<sup>5</sup> studied the area of greatest risk of poaching for the one-horned rhinoceros within and around the eastern sector of Chitwan National Park. They found that, distributed spatially, instances of poaching were observed around the park except in the south. Among the seven predictable variables, five variables except for terrain (slope and elevation) were statistically significant at the 10% level of the test ( $p < 0.1$ ). These findings indicated that areas near roads, far from guard posts, and densely populated locations around grasslands constituted high-risk areas for rhinoceros poaching.

The protection of the habitat of the one-horned rhinoceros located around the border of two nations, Nepal and India, has created further complexity in attempts to combat poaching and horn trafficking, both between these countries and to the third countries. In 1973, Nepal introduced legislation pertaining to wildlife and national parks to improve the conservation process and to tackle the increasing volume of wildlife poaching in and around the Chitwan National Park. Accordingly, the combined effect of the role of the Nepalese army and national park rangers, alongside the strong approach taken by the national courts, has engendered a “zero-tolerance” mentality towards the poaching of one-horned rhinoceros in Nepal. Against this backdrop, this article seeks to analyze the cases specifically related to the poaching of the one-horned rhinoceros decided by the Supreme Court of Nepal.

## **2. Legal Provisions Concerning One-horned Rhino Poaching in Nepal**

### **2.1. National Parks and Wildlife Conservation Act, 1973**

The National Parks and Wildlife Conservation Act was introduced on 11 March 1973 and has since been amended on ten separate occasions. The Act comprises 34 sections and one annex. Section 10 of the Act pertains to “Protected Wildlife,” stating that:

The wildlife mentioned in Schedule 1 of this Act shall be considered as the protected wildlife and their hunting is prohibited.

Under Schedule 1, 26 mammals, nine birds, and three reptiles are listed as protected wildlife, expressly including the one-horned rhinoceros. Similarly, Section. 25(1) of the Act has made provision for rewarding a

---

<sup>5</sup>M. SUBEDI AND R. SUBEDI, *Identification and Mapping of Risk Areas of Rhino Poaching: A Geospatial Approach: A Case Study from Eastern Sector of Chitwan National Park, Nepal*, 27 *BANKO JANAKARI* 12 (2017).

person whose information leads to the arrest of a poacher of a specified wild animal. The section states:

Any person who furnishes information that leads to the arrest of a poacher who has killed or injured rhinoceros, tiger, elephant, musk deer, clouded leopard, snow leopard or bison, may be rewarded with an amount of up to fifty thousand rupees. Any person who furnishes information about a poacher who has killed or injured any other protected animals, other than the wildlife mentioned above, and leads to his arrest may be rewarded with an amount of up to twenty five thousand rupees.

Similarly, Sections 25(2) and 25(3) also provide for rewards for those furnishing information related to the illegal possession of trophies or auction of the trophies.

Section 26 of the Act punishes illegally killing or injuring, selling, purchasing, or transferring or obtaining protected animals:

Any person who illegally kills or injures, sells, purchases or transfers or obtains rhinoceros, tiger, elephant, musk deer, clouded leopard, snow leopard or bison, or keeps, purchases or sells rhinoceros horn or musk-pods or the fur of snow leopard as well as trophies of any other protected wildlife, shall be punished with a fine ranging from fifty to one hundred thousand rupees or an imprisonment ranging from five years to fifteen years or both.

Further, Section 26 (6) outlines that:

Any person who commits an offense other than those mentioned in Sub-Section (1), (2), (3), (4) and (5), in contravention of this Act or the Rules framed under the Act shall be punished with a fine up to ten thousand rupees or two years imprisonment or both depending on the nature of the case.

Section 27 also provides for the punishment of accomplices, whereby:

In case any person who knowingly helps any person in committing any offense punishable under this Act, such accomplice shall be punished with half the punishment to be given to the principal offender. Provided that a person who helps in committing any offense related to rhinoceros, tiger, musk deer or elephant shall be punished with the penalty equivalent to the one awarded to the principal offender.

## ***2.2. National Parks and Wildlife Conservation Rules, 1974***

The National Parks and Wildlife Conservation Rules were enacted on 11 March 1974, pursuant to powers conferred by Section 33 of National Parks and Wildlife Act 1973. The Rules contain five chapters encompassing 39 sections and 15 schedules. The Rules are enacted to promote Nepal as a destination for hunting tourism, subject to special permission from the pertinent government agencies.

### 3, Landmark Decisions from the Supreme Court of Nepal Regarding Poaching of the One-horned Rhinoceros

#### 3.1. *Shrechan ex rel. Sherchan v. Chitwan District Court, Bharatpur, Chitwan, Narayani Zonal Wildlife Management Division Office and Department of Forest, Chitwan*<sup>6</sup>

Bholakumar, son of Harshabhadur, was caught by police on the way to Narayangarh on 30 June 1967 and charged with illegally poaching a one-horned rhinoceros. He was sentenced to three years' imprisonment, alongside a penalty of 20,000 NPR, with an additional fine of 8400 NPR as per the Country Code,<sup>7</sup> decided on 21 May 1967 by Chitwan District Court. During interrogation, Shivaraj, Shikaaram, and Indrabahadur Jayarchan were informed about rhinoceros poaching activities whereby ten one-horned rhinoceros had been poached within two periods during March 1959. Hence, as per the decision from the Chitwan District Court of 21 May 1967, Bholakumar was caught by police and imprisoned at Chitwan Jail. Regrettably, however, this appears to have been a case of mistaken identity, and the Supreme Court observed that the documentation pertaining to the incident made serious errors concerning the name and permanent address of the defendant.

#### 3.2. *Praja and Botay v. Asst. Conservation Officer Kanal Jung Kuwar*<sup>8</sup>

A one-horned rhinoceros was illegally killed on 27 March 2020 at Kalibaan Area, in Chitwan National Park. The two poachers, Praja and Vijay Lama, stayed at the house of Botay during and after their poaching activities. While the animal was short by Praja, Lama sold the horn and Botay was paid 50,000 NPR to let them stay at his house. Hence, due to his knowledge of the plan to poach a one-horned rhino and letting the poachers stay at his home, Botay was seen as complicit in these activities. He was duly jailed for 15 years and fined 100,000 NPR as per the NPWLC Act,<sup>9</sup> the same penalty that was imposed on Praja and Lama.<sup>10</sup> The court in

---

<sup>6</sup>Harshabhadur Sherchan ex rel. Bholakumar Sherchan v. Chitwan District Court, Bharatpur, Chitwan, Narayani Zonal Wildlife Management Division Office and Department of Forest, Chitwan (D.No.: 527), Writ No. 20 (1968), 25 July 1969. SC (Nepal).

<sup>7</sup>Country General Code, 1963, Animal-related No. 23 and Criminal Offence No. 117 (1963).

<sup>8</sup>Bobahadur Praja and Bedbahadur Botay v. Asst. Conservation Officer Kanal Jung Kuwar (D.No.: 8503), Writ No. 0079 and 0023, 24 Nov. 2010, SC (Nepal).

<sup>9</sup>National Park and Wildlife Conservation Act, 1973 §27 (1973).

<sup>10</sup>National Park and Wildlife Conservation Act, 1973 §5(a), §19(1) and §26(1) (1973).

this context viewed all three defendants as being involved in the trade of horn of a rhinoceros and they were thus given the same punishment.<sup>11</sup>

### 3.3. *Pun v. GoN*<sup>12</sup>

Pun, Pun a.k.a. Kumar, Praja, and Pun went to poach a cone-horned rhinoceros on the nights of 27 March 2003 and 2 April 2003. The poachers were caught and sent to jail on 4 December 2003 as per the NPWLC Act.<sup>13</sup> While Chabir Pun accepted the sentence punishment and did not further appeal the verdict, further issues arose concerning for the remaining defendants. As per the NPWLC Act<sup>14</sup>, the crime had been considered as an organized crime, and thus engaged section 27 of that statute, which does not segregate the level of punishment for the different levels of criminal acts conducted by different poachers for the same crime. Therefore, the court passed a sentence of 15 years' imprisonment alongside a fine of 100,000 NPR each as required by the Act.<sup>15</sup>

### 3.4. *Ranger Madhav Khadka v. Magar*<sup>16</sup>

A trade agreement took place between Magar of Deurali-6, Nawalparasi, and Lawa Malla of Sharadpur-8, Chitwan, during January and February 2003. In late February 2003, a Tibetan buyer named Chiring Lama a.k.a. Doogla came through Sundarsing Thakuri to procure a horn of a rhinoceros. A deal was agreed in March 2003 between Lawa Malla, Chiring Lama, Sundarsingh Thakuri, Tanjing Nima, and Gajabahadur Faal Magar to sell a horn for 2,400,000 NPR, for which Gajabahadur received 30,000 NPR in commission. The defendants were apprehended by a team of rangers from Chitwan National Park while in the process of concluding the transaction. In May 2003, Nima was found with cash amounting to 750,000 NPR and disclosed that it was to be used for purchasing the horn of a rhinoceros. Given the substantial evidence of a trade taking place for a rhinoceros horn, Ombahadur was sentenced to five years' imprisonment

---

<sup>11</sup>National Park and Wildlife Conservation Act, 1973 §5(a), §19(1) and §26(1) (1973).

<sup>12</sup>*Surya Bahadur Pun, Yam Kumar Pun a.k.a. Kumar and Bombahadur Praja v. Government of Nepal* (D.No. 8784), Writ No. 265-CR-0718, 066-CR-0011 and 066-CR-0012, Feb. 15, 2012, SC (Nepal).

<sup>13</sup>National Park and Wildlife Conservation Act, 1973 §5(a) (1973).

<sup>14</sup>National Park and Wildlife Conservation Act, 1973 §5(a) and §19(1) (1973).

<sup>15</sup>National Park and Wildlife Conservation Act, 1973§26(1) (1973).

<sup>16</sup>*Ranger Madhav Khadka v. Ombahadur Rana Magar et al.* (D.No.: 8911), Writ No. 268-CF-0001, Sept. 13, 2012, SC (Nepal).

and fined 50,000 NPR penalty as per the NPWLC Act.<sup>17</sup> As the others were considered to have been acting as brokers, rather than engaging in trading, they were fined 100,000 NPR each as per the NPWLC Act.<sup>18</sup> Nima's sentence was later posthumously commuted to a fine of 100,000 NPR when he died in custody December 2003.

### **3.5. *Buda v. Yadav ex. rel. Government of Nepal***<sup>19</sup>

The horn of a one-horned rhinoceros was confiscated by a team from the District Forest Office, Darchula and the District Police Office, Darchula, on 21 August 2009, from a Himalaya Lodge operated at Khalanga-5, Darchula. The bag in which the horn was confiscated was owned by Daansingh Chaurasiya, who was also an owner of the lodge. A room was booked at Himalaya Lodge by Nayan Singh Thaguna and Prakash Buda. A rhinoceros horn was brought from a person named Bhupendra Shahi and Pema Lama of Mahendranagar through Pembahadur Pal of Darchula by Buda. When all five defendants were interrogated by officers from the Department of Forest, Buda and Chaurasiya were seen as the main culprits, and both were jailed for five years as per the NPWLC Act.<sup>20</sup>

### **3.6. *GoN With Report of Old Gorakh Battalion, Kasara v. Ball***<sup>21</sup>

Ball and his friends, Sukhya (Jogiya) Botay, Aaytram Botay, Buddhiram Chaudhary (Botay), Bikram a.k.a. Mangal Majhi, and Raju Majhi (Botay), undertook an operation to poach a one-horned rhinoceros at Chitwan National Park on 16 April 2004. Bikaram shot the rhinoceros at its hind leg, but when Ball tried to shoot another round of bullets at the injured animal, he was caught red-handed by the rangers and was jailed by the National Park as per the NPWLC Act.<sup>22</sup> All the convicted poachers were jailed for poaching offences as well. The ranger also found guns, ammunition, rice, salt, and other luggage containing blood stains from a rhinoceros at the crime scene on 18 April 2004, while capturing Ball. While

---

<sup>17</sup>National Park and Wildlife Conservation Act, 1973 §11(1) and §26(1) (1973).

<sup>18</sup>National Park and Wildlife Conservation Act, 1973 §11(1) and §26(1) (1973).

<sup>19</sup>*Prakash Buda v. Shyamdev Yadav ex. rel. Government of Nepal* (D.No.: 9211), Writ No. 070-MS-0005, Aug. 3, 2014, SC (Nepal).

<sup>20</sup>National Park and Wildlife Conservation Act, 1973 §26(1) (1973).

<sup>21</sup>*Government of Nepal with report of Old Gorakh Battalion, Kasara v. Ram Bahadur Ball* (D.No.: 93611), Writ No. 067-CR-0529, Dec. 2, 2014, SC (Nepal).

<sup>22</sup>National Park and Wildlife Conservation Act, 1973 §5(a), §5(g), §5(h) and §26(1) (1973).

the other men initially escaped, they were later apprehended and the Supreme Court considered them to be accomplices of Ball and therefore subject to the same punishment (seven years of imprisonment and fines of 50,000 NPR) as the main culprit.<sup>23</sup>

### **3.7. *Praja v. Capt. Arananath Baral ex. rel. GoN*<sup>24</sup>**

The skeleton of a one-horned rhinoceros was found within the boundary of Chitwan National Park, at a point 2.5 km west of Chitwan Jungle Lodge. The carcass was found on 15 September 1999, without its horn and having been deemed to have been killed approximately 20–25 days previously. Praja was a repeat offender and had poached one-horned rhinoceroses in mid April 1995, mid March 1998, mid July 1998, mid August 1999, and mid September 1999. The weapon used for poaching was found much later, in May 2007. Praja was ultimately sentenced to 15 years' imprisonment and a fine of 100,000 NPR. However, the situation concerning his accomplice Kabiraj Magar was more complex, as he had only been involved in one of Praja's offences and was sentenced to a fine of 1000,000 NPR by Chitwan National Park Office on 15 October 2010, as per the NPWLC Act,<sup>25</sup> a decision upheld by the Hetauda Appellate Court and the Joint Bench of the Supreme Court.

### **3.8. *Bhandari with GoN ex. re. Chitwan National Park v. Praja*<sup>26</sup>**

Two poachers, Dalbahadur Praja and Jeetbahadur Pun, were accused of poaching a one-horned rhinoceros within Chitwan National Park at Baas Khola, south of Dumariya Post, 200 m west of Ghach Saalghari of Churay, at a point closer to Gaur Machan. The carcass of an approximately 20-year-old one-horned rhinoceros was discovered by the National Park Rangers and the Gorakhabahadur Battalion of the Nepalese Army. The animal had been shot dead and had had its horn removed by an axe by poachers. In this case, the joint bench of the Supreme Court found Pun to be the main culprit, sentencing him to 14 years of imprisonment and a fine of 90,000 NPR, although Praja and the other defendants were exonerated due to a lack of sufficient evidence of their involvement in the crime.

---

<sup>23</sup>National Park and Wildlife Conservation Act, 1973 §26(1) (1973).

<sup>24</sup>*Munna Praja and Kabiraj Magar v. Capt. Arananath Baral ex. rel Government of Nepal* (D.No.: 9714), Writ No. 070-CR-0457 and 070-CR-0458, Aug. 28, 2016, SC (Nepal).

<sup>25</sup>National Park and Wildlife Conservation Act, 1973 §26(9) (1973).

<sup>26</sup>*Lalbahadur Bhandari with Government of Nepal ex. rel. Chitwan National Park v. Dalbahadur Praja and Jeetbahadur Pun* (D.No. 9949), Writ No. 071-CR-1252 and 071-CR-1432, Apr. 2, 2017, SC (Nepal).



### **3.9. Magar v. Patan High Court, Lalitpur<sup>27</sup>**

Magar was found with two pieces of horns from a one-horned rhinoceros by a team of Nepalese Police at Kathmandu Municipality-26, Lainchaur, with three others on 31 January 2018. Magar was found to be a member of the Military Police of the Nepalese Army, and hence was remanded to the custody of the Military Police Battalion, Bhadrakali, Kathmandu, on 12 February 2018. The accused considered that he should not be tried as a civilian but ought instead to be prosecuted under the Army Act 2006. However, this was denied and the case was viewed as a crime of a civilian nature, since the jurisdiction of the 2006 Act predominantly applies to murder and sexual offences.<sup>28</sup>

### **3.10. Gurung v. Jail Office Nakhu, Lalitpur<sup>29</sup>**

Pemba Gurung was accused by Chitwan National Park (R. No. 3617) on 7 June 2016 of poaching a one-horned rhinoceros and selling its horn. Gurung was imprisoned under the NPWLC Act<sup>30</sup> for 14 years and six months, alongside a fine of 100,000 NPR, but as per the Senior Citizen Act 2006,<sup>31</sup> his sentence was reduced to ten years with a fine of 50,000 NPR. Gurung died shortly afterwards in May 2018, but the case raised wider Constitutional questions concerning the incarceration of senior citizens, whereby the joint bench of the Supreme Court ordered the Home Ministry of the Government of Nepal to develop by-laws to waive the imprisonment of elderly offenders.

### **3.11. Kunal v. Capt. Arananath Baral ex. rel. GoN<sup>32</sup>**

A battalion of the Nepalese Army was deployed at Siswan Post in Chitwan National Park and received information of poaching activity on 8 September 2007. An injured rhinoceros was discovered with a bullet wound to its right hind On 23 September 2007, the patrolling army received information

---

<sup>27</sup>Krishnabhadur Magar v. Patan High Court, Nepal (D.No.10115), Writ No. 074-Wh-0103, Jun. 19, 2018, SC (Nepal).

<sup>28</sup>Army Act, 2006 §66(1) to §66(3) (2006).

<sup>29</sup>Pemba Gurung v. Jail Office Nakhu, Lalitpur (D.No.:10219), Writ No.: 075-WH-0050, Jan. 15, 2019, SC (Nepal).

<sup>30</sup>National Park and Wildlife Conservation Act, 1973 §19(1) (1973).

<sup>31</sup>Senior Citizen Act, 2006§12(1) (2006).

<sup>32</sup>Ranabhadur Kunal v. Capt. Arananath Baral ex. Rel Government of Nepal (D.No.: 9862), Writ No.: 068-CR-1063, 068-CR-1064, 068-CR-1136, 068-CR-1173 and 068-CR-2293, Mar. 26, 2020, SC (Nepal).

that the poachers intended to attack the animal again, resulting in the capture of Hombahadur Lama, Ranabahadur Kunal, and Maya Kunal. At the crime scene, the army found a series of incriminating items. Ranabahadur had been incarcerated for two months in jail for previous poaching offences and sought to poach again with the help of Saantabahadur (Pankaj) Kunal, Budhibahadur Lama, Budhibahadur Praja, Rajkumar Praja, Hombahadur Lama, Maya Kunal, and Bodhay (Thing) Tamang. The joint bench of the Supreme Court found Hombahadur Lama and Raaabahadur Kunal guilty of planning to poach a one-horned rhinoceros and sentenced them each to ten years of imprisonment and a 75,000 NPR fine. Santabahadur Kunal was imprisoned for eight years with a fine of 50,000 NPR.

#### 4. Conclusion

The Chitwan National Park in Nepal has been synonymous with the successful conservation of the one-horned rhinoceros, especially since the authorities achieved their zero-poaching targets for 2011, 2013, 2014, 2015, 2016, and 2019, that is, across a total of 3,287 days.<sup>33</sup> Nevertheless, there are many stakeholders involved in these successful efforts to eradicate poaching, and the deterrent effect of the strict punishments imposed by judicial bodies on convicted poachers has been also a major factor.

A series of strict legal provisions to deter poaching has been introduced in Nepal, stemming both from domestic environmental priorities with the need to reduce wildlife-based crimes and to implement international commitments. Similarly, both the judiciary and the executive bodies administering the national parks have expended considerable efforts to prevent poaching of the one-horned rhinoceros. Notably, these executive bodies have operated as a quasi-judicial body to combat poaching of the one-horned rhinoceros in Nepal. In addition to these, the Wildlife Crime Control Bureau has also coordinated with the related agencies from the central level to control wildlife crime more holistically. Furthermore, Nepal has enacted the International Trade in Endangered Wildlife and Plants Control Act 2017<sup>34</sup> to promote the national implementation of CITES and to control the illegal trade in endangered fauna and flora from Nepal.

A preliminary hearing of a one-horned rhino poaching case takes place at the office of the national park, as per the provisions of the National

---

<sup>33</sup>Department of National Parks & Wildlife Conservation, Ministry of Forest and Environment, Government of Nepal (2021).

<sup>34</sup>An act was enacted on 23 April 2017 by the Government of Nepal to prevent the international trade in endangered wildlife and plants.

Parks and Wildlife Conservation Act, 1973. Similarly, a verdict is also forwarded from the national park office so that the defendant can be remanded for imprisonment and receive a financial penalty as per the Act. Nevertheless, a convicted poacher has a right to appeal to the District Court, further to a High Court, and finally to the Supreme Court. Hence, if the cases are not settled by the quasi-judiciary body or even by the lower level courts, then the cases reach the Supreme Court.

A relatively limited number of cases concerning the poaching of the one-horned rhinoceros have reached the Supreme Court of Nepal. Most of the cases are settled by the relevant quasi-judiciary body (i.e., office of the national park or the District Court or High Court) before reaching the Supreme Court. In those cases in which a final verdict from the Supreme Court of Nepal has been required in cases of rhinoceros poaching, the Court has imposed significant prison sentences, as required under the National Park and Wildlife Conservation Act, 1973. Similarly, the Supreme Court of Nepal has not only punished the principal offender but also punished other accomplices equally for the crimes they have conducted jointly with the principal offender.

Despite the effort and verdicts forwarded from the quasi-judiciary body and different tiers of the courts of Nepal, the practice of poaching one-horned rhinoceroses has not been eradicated completely. Offences have been repeatedly conducted by members of the same communities, primarily driven by challenging socio-economic circumstances. Similarly, the name, fame, and monetary benefit involved in legal cases of the one-horned rhinoceros have brought some malpractices even among legal professionals, which have ultimately hindered efforts to ensure the strict implementation of the respective legal provisions against the poachers.

## ORCID

Rashesh Vaidya  <http://orcid.org/0000-0003-1536-6032>